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REMARKS

Entry of the present amendment is respectfully requested. It is earnestly believed that the present amendment places the application in condition for allowance and, thus, entry of the amendment is appropriate.

By the present amendment, claims 4, 5 and 6 have been cancelled. Claim 2 has been amended to overcome the rejections under 35 USC 112, second paragraph. Specifically, the term "pure" has been changed to "purified" and the preamble has been changed to "In a solvent distiller". Claims 9 and 10 have been added.

Formal drawings have already been filed on January 13, 2003 to comply with the requirement in the office action for formal drawings.

The present amendment was not earlier presented because Applicant believed that the arguments submitted with the amendment dated June 7, 2002 overcame the rejections of the claims. The present amendment does not raise any new issues and does not require any further searching on the part of the Examiner. It is respectfully submitted that the present amendment places the application in condition for allowance and allowance is respectfully requested.

Regarding the objection that the specification lacks antecedent basis for the limitation "to minimize" lines 5-6 in claim 2, claim 2 has been amended to change "to minimize" to "to prevent". Antecedent basis is found on page 5 line 15 of the specification for the limitation "to prevent".

The indication that claims 4-5 are allowed if rewritten in independent form is acknowledged with appreciation. Claim 9 is claim 4 rewritten in independent form. Claim 10 is claim 5 which now depends from claim 9. Thus, claims 9-10 should be allowed.

Claims 2-3 and 6 have been rejected under 35 USC §103(a) as being unpatentable over Applicant's admission in view of the patent to Hoover (US 4,323,429).

It is respectfully submitted that to establish obviousness of a claimed invention, the prior art reference or references when combined must teach or suggest all the claim limitations. In addition, there must be some suggestion or motivation to a person having ordinary skill in the art to modify the reference or to combine reference teachings. (MPEP §706.02(j))

Claim 2 has been amended to include the limitations that the pipe means is positioned inside the outer container defining the boiling chamber.

The amendment to claim 2 recites additional structural features which are not disclosed by the combination of Applicant's admission in view of Hoover.

Applicant's admission does not disclose a pipe positioned inside the outer container defining the boiling chamber. The patent to Hoover does not disclose that the pipe means 102 is positioned inside the outer container defining a boiler chamber.

Column 3, lines 5-9 of Hoover defines the boiling chamber as chamber 16 since volatile component of the spent acetone is

boiled off or vaporized in chamber 16. The pipe 102 transports the boiled off volatile component of the acetone from the boiler chamber 16 to the condenser unit 12. (Hoover, column 5 lines 48-55). Fig. 6 and column 4, lines 10-20 of Hoover shows that boiling chamber 16 is defined by bottom wall 51, front and rear side walls 52, 53 and opposite side walls 54, 55 and plate 58 serving as the top wall. Fig. 6 shows the pipe 102 connected to the outside of the wall 53 of the chamber 16 and clearly shows that the pipe 102 is positioned outside of the boiling chamber 16, not inside.

Since the requirement to establish obviousness of a claimed invention is that the prior art reference or references when combined must teach or suggest all the claim limitations and since neither Applicant's admission nor the patent to Hoover disclose the that the pipe means is positioned inside the outer container defining the boiling chamber, the cited combination does not contain all the limitations found in claim 2. Thus, amended claim 2 cannot be obvious in view of the cited combination. Thus, claim 2 should be allowed.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Serial No. 09/741,216

Please charge any deficiency or credit any overpayment in
the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,

Rita E. Kline

Rita E. Kline
Reg. No. 48,855
Customer No. 26,294

TAROLLI, SUNDHEIM, COVELL
& TUMMINO L.L.P.
1111 Leader Building
526 Superior Avenue
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

2. (Amended) [A] In a solvent distiller for recovery of [pure] purified solvent from impure solvent, the impure solvent containing residues of paint, the distiller comprising an outer container defining a boiling chamber, the outer container including an opening, a cover closing the opening, a flexible inner container located in the boiling chamber and containing impure solvent to be distilled, the flexible inner container being made of a flexible material and being movable into different configurations within the boiling chamber, the flexible inner container and the outer container defining a lower space within the boiling chamber, the cover, the flexible inner container and the outer container defining an upper space located above the impure solvent, and a heating device for heating the impure solvent in the flexible inner container to cause the impure solvent to boil and to generate solvent steam in the upper space, the upper space having at least one outlet for directing the solvent steam from the upper space, and a condensing device for receiving the solvent steam from the outlet and for condensing the solvent steam to form pure liquid solvent, wherein the improvement comprises:

a pipe means located between the flexible inner container and the outer container and extending from the lower space to the upper space for transporting solvent steam from the lower space to the upper space and to the outlet to

[minimize] prevent the solvent steam pressure generated in the lower space [to minimize] from lifting of the flexible inner container in the boiling chamber, the solvent steam being generated by [heating] heated solvent trapped in the lower space,

[the pipe means having an inlet spaced apart from a bottom of the outer container]

the pipe means being positioned inside the outer container defining the boiling chamber.